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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,349	04/15/2004	Kiyoshi Tokishige	1248-071SPUS1	6336
2292	7590	10/25/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WALSH, RYAN D	
			ART UNIT	PAPER NUMBER
			2852	
DATE MAILED: 10/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,349	Applicant(s) TOKISHIGE ET AL.	
	Examiner Ryan D. Walsh	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 12, 15, 16, 19 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 14 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-3, 7-9, 10, 11, 13, 14, 17, 18, and 20-22 in the reply filed on August 29, 2006 is acknowledged.

Claim Objections

Claim 13 is objected to because of the following informalities:

Regarding claim 13, the claimed language, "comprises a shock absorbing device" is unclear. It appears as though the claimed, "shock absorbing device" is the claimed "cover". Therefore, the word "comprises" should be replaced with "acts as" or some other similar language.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-22 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

The claimed, "method of preventing a loss of the removable cover comprising the steps of: configuring...unless an enabling device is connected to the image forming device; and configuring...the enabling device" has no specific tangible result.

Claims 20-22 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not

know how to use the claimed invention. The steps related to “preventing a loss of the removable cover” are not conveyed to enable one of ordinary skill in the art to use the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8 and 9, the claimed, “serving a second function which is different from the first function while **maintaining the first function**, such that the external cover is provided to the first device **or the second device** in a state different from a state when the second device is not fitted to the main unit of the first device” is indefinite. Specifically, regarding the claimed, “maintaining the first function” it is unclear how the external cover can serve as a second function, which is different function, while still maintaining a first function. Furthermore, regarding the claimed “or the second device”, it is unclear how the external cover is provided to the second device, when it is not shown or described in the figures or specification. It can be seen in figures 1-2 that the “external cover (40)” is only provided on the claimed “first device”, not the “second device.” Also, the claims are directed towards an “external cover” and the language of claims 1-3 and 7 do not define structure to the claimed “external cover”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 10, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cavello et al. (US Pat. # 5,769,646), hereinafter referred to as Cavello.

Regarding claim 1, Cavello teaches, “An external cover (12) covering an attaching section (30) which is provided in a main unit (10) of a first device to fit a second device (60) to the main unit of the first device, the external cover (12), when the second device (60) is not fitted to the main unit of the first device, serving a first function as a cover for the attaching section (see Fig. 1, ref. # 12), the external cover (12), when the second device (60) is fitted to the main unit (10) of the first device, serving a second function (Col. 6, Ln. 33-38) which is different from the first function while maintaining the first function, such that the external cover is provided to the first device or the second device in a state different from a state when the second device is not fitted to the main unit of the first device (see Fig. 1, ref. # 12 compared to Fig. 2A).”

Regarding claim 7, Cavello teaches, “the second function is a function associated with the second device (Fig. 2A, ref. # 64 in 26).”

Regarding claim 10, Cavello teaches, “An image forming device (10) comprising an attachment section (30) at which said image forming device is connectable to an auxiliary device (60), said image forming device (10) including a removable cover (12)

attachable to said image forming device (10) in a first manner to cover said attachment section (30) and in a second manner to enable said image forming device and the auxiliary device to function together when the auxiliary device is connected to said image forming device (60 connecting to 30, and 64 fitting in 26)."

Regarding claim 11, Cavello teaches, "said removable cover is secured to said image forming device at a first location to cover said attachment section and at a second location spaced from said first location to enable said image forming device and the auxiliary device to function together when the auxiliary device is connected to said image forming device (Fig. 1, and Fig. 2A)."

Regarding claim 14, Cavello teaches, "said cover comprises a reflective surface (see Col. 6, Ln. 46, plastic is reflective)."

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 17-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 17, the prior art does not teach or suggest the claimed, "repositioning the removable cover and reattaching the removable cover at the enablement section; attaching the auxiliary device to the imaging forming device such

that the removable cover enables the joint operation of the image forming device and the auxiliary device.”

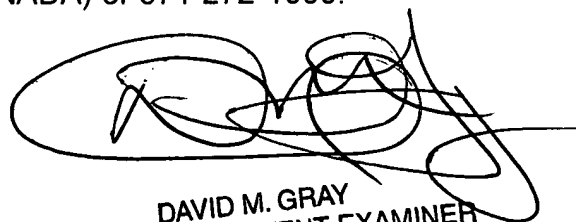
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan D. Walsh
Patent Examiner
Art Unit 2852



DAVID M. GRAY
SUPERVISORY PATENT EXAMINER